



AVST007 UTL
Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Karl Gierach

Serial No.: **10/655,881**

Filed: **September 6, 2003**

For: **VC-TO-DTMF INTERFACING
SYSTEM AND METHOD**

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) Group Art Unit: **2615**
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) Examiner: **Walter F. Briney III**
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) Attorney File No.: **AVST007**
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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST TO CORRECT INVENTORSHIP UNDER 37 C.F.R. § 1.48(a)

Sir:

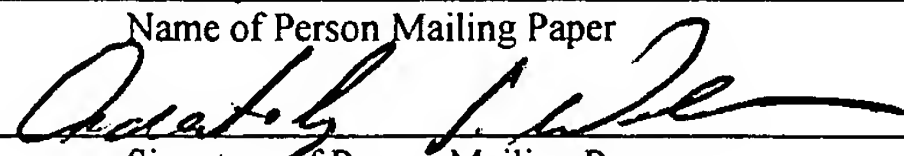
This is a request to correct inventorship in the above-referenced application. Authorization is hereby granted to charge the processing fee set forth in 37 C.F.R. § 1.17(i) to Deposit Account No. 50-3196. A separate paper authorizing this charge is attached. Authorization is further granted to

CERTIFICATE OF MAILING
(37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

June 19, 2006
Date of Deposit

Anatoly S. Weiser
Name of Person Mailing Paper


Signature of Person Mailing Paper

charge all other fees necessary to file this paper to the same Deposit Account. Authorization is also granted to charge the issue and publication fees in the application the same Deposit Account.

Remarks begin on page 3 of this paper.

REMARKS

The name of the Applicant in this application as it appears in the records of the U.S. Patent and Trademark Office is “Karl Gierachf,” with the letter “f” at the end. Applicant’s real name is “Karl Gierach,” without the letter “f” at the end. For this reason, Applicant hereby petitions to change his name in this patent application prior to issue of the application to “Karl Gierach” (37 C.F.R. § 1.48(a)(1)).

Statement of Karl Gierach that the error in inventorship occurred without deceptive intention on his part is attached to this paper (37 C.F.R. § 1.48(a)(2)).

A newly-executed copy of the declaration by the inventor is also attached (37 C.F.R. § 1.48(a)(3)).

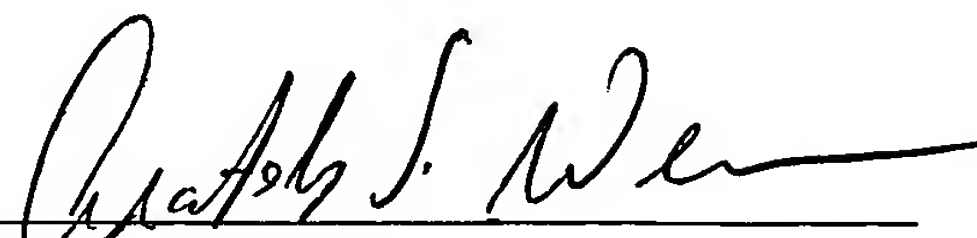
Authorization is granted to charge the processing fee set forth in 37 C.F.R. § 1.17(i) to Deposit Account Number 50-3196 (37 C.F.R. § 1.48(a)(4)).

An assignment has been executed by the actual inventor. Consequently, the written consent of the assignee is attached ((37 C.F.R. § 1.48(a)(5)). A copy of previously-executed Statement under Rule 3.73(b) is also attached.

To resolve any matter relating to the present application please contact the undersigned attorney at (858) 720-9431.

Respectfully submitted,

Dated: June 19, 2006



Anatoly S. Weiser
12526 High Bluff Drive, Ste 300
San Diego, CA 92130
(858) 720-9431
Reg. No. 43,229



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STATEMENT (DECLARATION) OF KARL GIERACH

1. I am Karl Gierach, the inventor of the subject matter of the patent application identified above. I make all statements in this declaration from my own personal knowledge.
2. I initially executed a declaration filed with the application in which my name was misspelled as "Karl Gierachl" (with an "l" at the end). I did so without intent to deceive.
3. I hereby declare that that all statements made in this declaration of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like are punishable by fine or imprisonment or both (18 U.S.C. § 1001), and that such false statements may jeopardize the validity of the present application or any patent issuing thereon.


Karl Gierach

Dated: 6/5, 2006
Foothill Ranch, California



AVST 007 UTIL
Patent

DECLARATION Utility Application

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled VC-TO-DTMF INTERFACING SYSTEM AND METHOD the specification of which

(Check One)

☐ is attached hereto OR

☒ was filed on September 6, 2003 as United States Application Serial No.

10/655,881:

and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Date of Filing	Priority Claimed	
			Yes	No

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below.

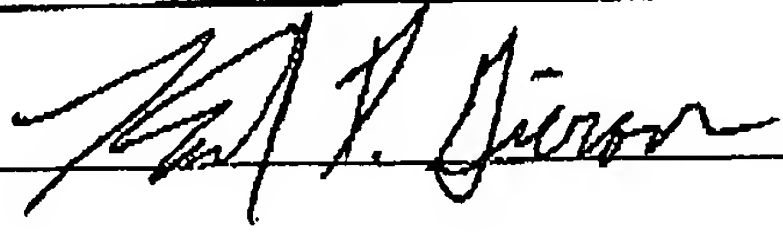
Application Number(s)	Filing Date

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application Number	PCT Parent Number	Parent Filing Date	Status-Patented, Pending or Abandoned

Residence, post office address, citizenship and signature of inventor(s) is set forth beginning on next page.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR	FIRST Name Karl	MIDDLE Initial D.	LAST Name Gierach	
RESIDENCE & CITIZENSHIP	City Irvine	State or Foreign Country CA	Country of Citizenship USA	
POST OFFICE ADDRESS	70 Bower Tree	City Irvine	State or Country CA	Zip Code 92603
INVENTOR'S SIGNATURE				DATE <u>6/5/2006</u>



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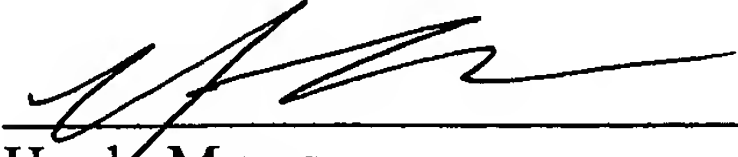
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) **Group Art Unit: 2646**
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) **Examiner: Walter F. Briney III**
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) **Attorney File No.: AVST007**
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) **Office Action Mailed On: 10/18/2005**
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**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

**STATEMENT OF HARDY MYERS REGARDING CONSENT OF ASSIGNEE
TO CHANGE IN INVENTORSHIP**

1. I am Hardy Myers, President, CEO, and agent of Applied Voice and Speech Technologies, Inc., assignee of the patent application identified above.
2. As agent for the assignee, I state that the assignee consents to the inventorship change in the application, replacing "Karl Gierachf" with "Karl Gierach" as the inventor herein.

Dated: 6/14, 2006
Foothill Ranch, California



Hardy Myers
As Agent for Applied Voice & Speech Tech.,
Inc.



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Applied Voice and Speech Technologies, Inc.

Application No./Patent No.: 10/655,881 Filed/Issue Date: 9/06/2003

Entitled: VC-TO-DTMF INTERFACING SYSTEM AND METHOD

Applied Voice and Speech Technologies, Inc., a Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by percentage) of its ownership interest is _____ %
in the patent application/patent identified above by virtue of either;

A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: Karl Gierach To: Sound Advantage, LLC

The document was recorded in the United States Patent and Trademark Office at Reel 016690, Frame 0294, or for which a copy thereof is attached.

2. From: Sound Advantage, LLC To: Applied Voice and Speech Technologies, Inc.

The document was recorded in the United States Patent and Trademark Office at Reel 015815, Frame 0926, or for which a copy thereof is attached.

3. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☒ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

7/20/04
Date

(949) 699-2300

Telephone number

Hardy Myers

Typed or printed name

[Signature]

Signature

President & CEO
Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

ASSIGNMENT

Karl Gierach who resides at 87 Canyoncrest, Irvine, CA 92603, has made certain inventions or discoveries (or both) set forth in an application for Letters Patent of the United States of America entitled: **VC-TO-DTMF INTERFACING SYSTEM AND METHOD** filed herewith, which application was executed by me at **Sound Advantage, LLC** whose address is 300 Commerce, Suite 100, Irvine, CA 92602 and which, together with its successors and assigns is hereinafter called "Assignee", is desirous of acquiring the title, rights, benefits and privileges hereinafter recited, and of confirming the same or any part thereof heretofore acquired by Assignee.

Now, therefore, for valuable consideration furnished by Assignee to me, receipt and sufficiency of which I hereby acknowledge, I hereby, without reservation:

1. Assign and convey to and confirm in Assignee the entire right, title and interest in and to said inventions and discoveries, said application for Letters Patent of the United States of America, and any and all other applications for Letters Patent on said inventions and discoveries in whatsoever countries, including all divisional, renewal, substitute, continuation and Convention applications based in whole or in part upon said inventions or discoveries or upon said applications, and any and all Letters Patent and reissues and extensions of Letters Patent granted for said inventions and discoveries or upon said applications, and every priority right that is or may be predicated upon or arise from said inventions, said discoveries, said applications and said Letters Patent;
2. Authorize Assignee to file patent applications in any or all countries on any or all of said inventions and discoveries in our names or in the name of Assignee or otherwise as Assignee may deem advisable, under the International Convention or otherwise;
3. Authorize and request the Commissioner of Patents of the United States of America and the empowered officials of all other governments to issue or transfer all said Letters Patent to Assignee, as assignee of the entire right, title and interest therein or otherwise as Assignee may direct;
4. Warrant that I have not knowingly conveyed to others any right in said inventions, discoveries, applications or patents or any license to use the same or to make, use or sell anything embodying or utilizing any of said inventions or discoveries; and that I have good right to assign the same to Assignee without encumbrance;
5. Bind my heirs and legal representatives, as well as myself to do, upon Assignee's request, and at its expense, but without additional consideration to me or them, all acts reasonably serving to assure that the said inventions and discoveries, the said patent applications and the said Letters Patent shall be held and enjoyed by Assignee as fully and entirely as the same could have been held and enjoyed by me or my heirs or representatives if this assignment had not been made; and particularly to execute and deliver to Assignee all lawful application documents including petitions, specifications, and oaths, and all assignments, disclaimers, and

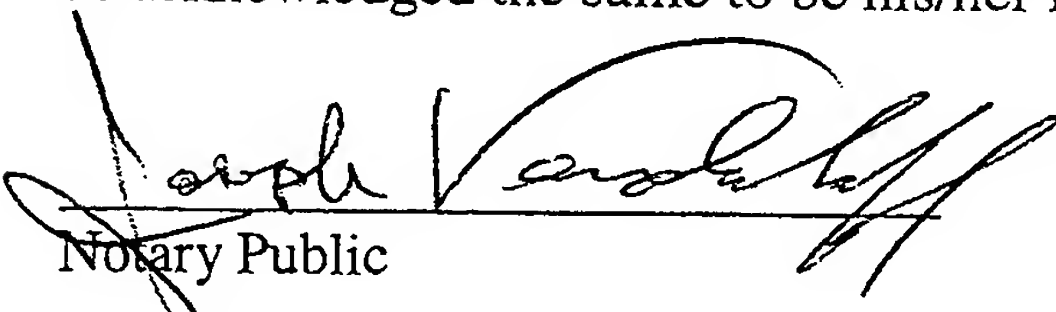
lawful affidavits in form and substance as may be requested by Assignee to communicate to Assignee all facts known to me relating to said inventions and discoveries or the history thereof; and to furnish Assignee with any and all documents, photographs, models, samples and other physical exhibits in my control or in the control of my heirs or legal representatives and which may be useful for establishing the facts of my conceptions, disclosures, and reduction to practice of said inventions and discoveries.

The effective date of this instruction is the 24 day of June, 2003.

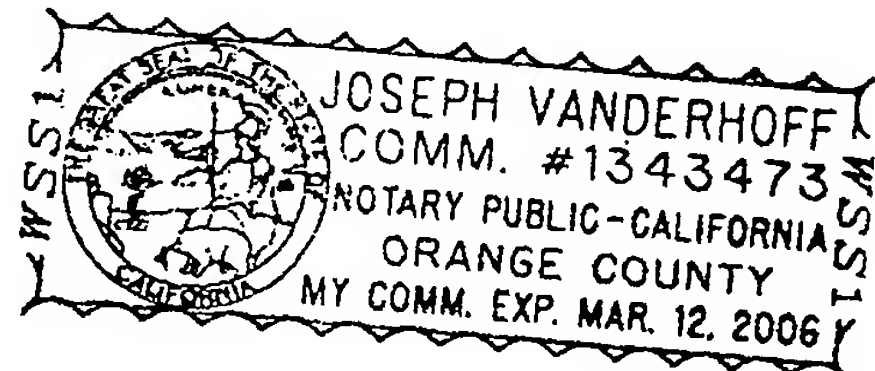
In testimony of which I have affixed my signature.

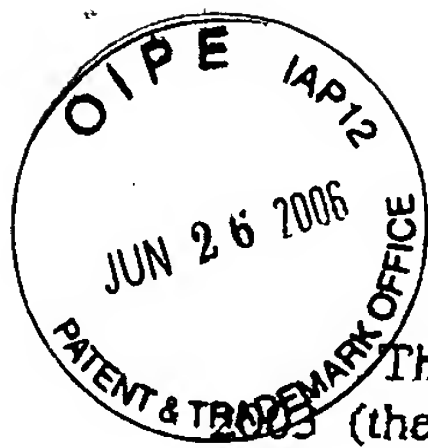

KARL GIERACH

On this 24th day of JUNE, 2003 before me appeared Karl Gierach, to me known and to me to be the person described in and who executed the foregoing instrument and he acknowledged the same to be his/her free act and deed.


Notary Public

(OFFICIAL SEAL)





CONTRIBUTION AGREEMENT

This CONTRIBUTION AGREEMENT (this "Agreement"), dated as of September 29, 2003 (the "Effective Date"), by and between Sound Advantage, LLC, a California limited liability company ("SA"), and Applied Voice and Speech Technologies, Inc., a Delaware corporation ("AVST" and collectively, the "Parties"), is entered into with reference to the following:

RECITALS:

- A. AVST is a newly formed wholly owned subsidiary of SA.
- B. SA is a party to that certain Office Lease, dated as of July 10, 2003, by and between SA (as tenant) and Metropolitan Life Insurance Company (as landlord) (the "Office Lease") which SA desires to assign to AVST under a separate assignment agreement.
- C. Except for its assets and liabilities pursuant to the Office Lease including its rights to the return of the \$35,148.60 security deposit, SA desires to contribute all of its other assets including, without limitation, all goods, inventory, equipment, investment property, instruments, chattel paper, documents, accounts, and general intangibles, as each such term is defined in the California Commercial Code, except for \$10,000 and all of its other liabilities (collectively, the "Assets") to AVST, and AVST desires to accept the Assets, including the assumption of all other liabilities of SA.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained in this Agreement and other good and valuable consideration, the Parties hereto, intending to be bound legally hereby, covenant and agree as follows:

1. Contribution of Assets. Effective as of the Effective Date, SA hereby transfers, assigns, conveys and delivers, as a contribution, to AVST all of SA's right, title and interest in and to the Assets. AVST hereby accepts the transfer, assignment, conveyance and delivery, as a contribution, of all of SA's right, title and interest in and to the Assets, including assumption of all liabilities of SA.
2. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original for all purposes but all of which together shall constitute one and the same instrument.
3. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of California, without regard to any other applicable conflict of law provisions.
4. Further Assurances. Whenever requested to do so by the other party, each party hereto shall execute, acknowledge and deliver any further conveyances, assignments, confirmations, satisfactions, releases, powers of attorney, instruments of further assurance, approvals, consents and any further instruments or documents that are necessary, expedient or proper to complete any conveyances, transfers, sales, assignments and assumptions contemplated by this Agreement. In addition, each party hereto shall do any other acts and execute, acknowledge and deliver any requested documents in order to carry out the intent and purpose of this Agreement.

27-2003 06:45 AM MYERS

27.SEP.2003 12:18

DR A A AL MALIK OFFICE 4970380


NO.816 P.11

P.01


IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed by their duly authorized officers as of the day and year first above written.

Sound Advantage, LLC,
a California limited liability company

By: Sound Advantage Equity Management, LLC,
Manager


Name: Dr. Ahmed A. Al-Malik
Title: Chief Executive Officer

Applied Voice & Speech Technologies, Inc.,
a Delaware corporation

By: 
Name: Hardy Myers
Title: President

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